

**Part 1 - Rules of General Application in Juvenile Cases**

**RULE 600 - Application and Definitions**

These rules apply to juvenile court proceedings, but not juvenile traffic hearings or traffic hearing appeals. To the extent that any of these rules conflicts with either statutory requirements or the California Rules of Court, the local rule is of no legal effect.

CPS means the Child Protective Services Division of the Kings County Human Services Agency. Unless otherwise specified, counsel means the attorney representing a party, or the party if he or she appears in propria persona.

(01/01/99)

**RULE 601 - Standing Orders**

The presiding judge of the juvenile court may issue such standing orders for the administration of the juvenile court as the court deems appropriate. The court may hereafter issue new or amended standing orders by filing the same with the clerk of the court. The clerk of the court shall keep and make available to the general public copies of any standing order and these Rules. The clerk may charge for the cost of providing such copies.

(01/01/99)

**RULE 602 - Attendance at Hearings**

Unless excused by the court, each party and attorney shall attend each scheduled court hearing.

(01/01/99)

**RULE 603 - Motions - Form of Papers**

All motions shall comply with Rules 201 and 311 of the California Rules of Court.

(01/01/99)

**RULE 604 - Ex-Parte Application and Orders**

Any ex-parte application for order shall be presented to the presiding judge of the juvenile court or the designee of same.

(01/01/99)

**RULE 605 - Noticed Motions**

- (A) A party seeking to file a noticed motion shall first obtain a hearing date and time from the juvenile court clerk.
- (B) No noticed motion shall be accepted for filing by the court unless it is accompanied by a proof of service.
- (C) All motions shall be in writing and shall designate with specificity the issues to be litigated and decided by the court. A motion shall consist of a notice of motion, a declaration in support of the motion, and a memorandum of points and authorities in support of the motion.
- (D) Unless otherwise ordered by the court all papers opposing a noticed motion shall be filed with the court and served on each party at least five judicial days prior to the hearing if the child is not detained, or at least two judicial days prior to the hearing if the child is detained.
- (E) Unless otherwise ordered by the court any reply papers in support of the motion shall be filed with the court and served on each party at least two judicial days prior to the hearing if the child is not detained.

(01/01/99)

**RULE 606 - Motions for Continuance**

(Welfare & Institutions Code sections 352, 682; California Rules of Court Rules 1362, 1412, 1422, 1447)

- (A) A motion for continuance shall be in writing and shall be accompanied by a supporting affidavit or declaration. The moving party shall file and serve notice of the motion and all supporting documents upon each party at least two court days prior to the hearing date. The supporting affidavit or declaration shall detail specific facts showing that good cause exists to grant a continuance.
- (B) An oral motion for a continuance shall be entertained where the moving party shows good cause for failing to file a properly noticed written motion. Good cause shall not be found where a written motion for continuance could have been timely filed. The court may grant an oral motion for continuance in the absence of a showing of good cause for failure to file a written noticed motion if such a continuance would further the minor's best interests or the interest of justice.

(01/01/99)

**(RULES 607 - 609 Reserved)**

**Part 2 - Rules Applicable to Cases Brought Under Section 300 of the Welfare and Institutions Code**

**RULE 610 - Application of Part 2**

The Rules in Part 2 of Chapter 6 apply to all cases involving petitions under section 300 of the Welfare and Institutions Code.

(01/01/99)

**RULE 611 - Access to Minors Subject to Section 300 of the Welfare and Institutions Code**

No party or counsel in a dependency proceeding shall interview the minor about the events relating to the allegations in the petition(s) on file without permission of the minor's attorney or court order.

No party or counsel in a dependency proceeding shall cause the minor to undergo a physical, medical or mental health examination or evaluation without court approval and pursuant to a written noticed motion. This Rule does not apply to the CPS caseworker or other authorized CPS social worker.

(01/01/99)

**RULE 612 - Interviewing Victims of Child Abuse**

All counsel representing parties and other participants in a dependency case in which child abuse has been alleged shall attempt to minimize the number of interviews they take of the minor relating to the events surrounding the alleged abuse. To this end anyone wishing to learn facts about the alleged incident(s) shall first review any interviews taken or reports made by the investigating officer(s) or CPS social worker(s).

(01/01/99)

**RULE 613 - Guardian Ad Litem for Minors**

(Welfare & Institutions Code section 326)

For purposes of the federal Child Abuse Prevention and Treatment Act (42 U.S.C. Section 5101 et seq.) and Welfare & Institutions Code section 326, the CPS case worker shall be deemed to be the minor's guardian ad litem unless the court orders otherwise.

(01/01/99)

**RULE 614 - Guardian Ad Litem for Parents**

In re Christina B. (1993) 19 Cal.App.4th 1441

The court shall appoint any person whom the court deems qualified as a guardian ad litem to represent any incompetent parent or guardian whose child is before the court pursuant to a petition under Welfare & Institutions Code section 300. The determination of incompetency may be made by the court at any time in the proceeding based upon evidence received from any interested party.

(01/01/99)

**RULE 615 - Guardian Ad Litem - Notice, Access to Records, Right to Appear**

In all proceedings, the guardian ad litem shall be given the same notice as any party, and have the same access to all records relating to the case as would any party, and have the right to appear at all hearings.

(01/01/99)

**RULE 616 - Minor's Care Provider - Right to Appear**

The court shall have the discretion to allow a minor's care provider to be present at the hearing and address the court.

(01/01/99)

**RULE 617 - Pre-Hearing Discovery**

(California Rules of Court, Rule 1420)

- (A) Pre-hearing discovery shall be reciprocal and shall be conducted on an informal basis. In the case of contested hearings, the parties shall exchange witness lists of all witnesses to be called, if not included in the social study report prepared by CPS, at least five days prior to the hearing. Except as protected by privilege, all relevant material shall be disclosed in a timely fashion to all parties to the litigation.
- (B) Upon timely request by the child, parent or guardian or their counsel, CPS shall make available for review the social worker's narratives and other relevant case records. Any privileged information contained in those narratives and records shall not be revealed absent a court order compelling discovery.
- (C) Formal Discovery. Only after all informal means have been exhausted may a party petition the court for discovery. Any noticed motion shall state the

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relevancy and materiality of the information sought and the reasons why informal discovery was not adequate to secure that information. The motion shall be served on all parties at least five judicial days before the hearing date. The date for the hearing shall be obtained from the clerk of the juvenile court. Any responsive papers shall be filed and served two judicial days prior to the hearing.

- (D) The Code of Civil Procedure authorizing interrogatories, depositions, requests for production of documents, subpoenas of juvenile records or other similar types of discovery shall not apply to juvenile court proceedings absent prior approval of a judge of the juvenile court upon noticed motion.
- (E) Upon timely request, attorneys for parents, guardians and de facto parents shall disclose to all other parties such non-privileged material and information within the parent's, guardian's, or de facto parent's control which is relevant.
- (F) The names of any experts to be called by any party and copies of any reports, if not part of a social study report prepared by CPS, shall be provided to all counsel at least five days before the hearing.

(01/01/99)

**RULE 618 - Motion to Challenge Legal Sufficiency of Petition**

In re Fred J. (1978) 89 Cal.App.3d 168 175-177 Welfare & Institutions Code section 348)

In any dependency proceeding the court may entertain a pre-hearing challenge by motion to the legal sufficiency of the petition. Such a motion may be made in writing or orally, but must be made as early in the proceedings as possible. The court may rule on the motion at the hearing at which it is made, or may continue the hearing on the motion to another date in order to receive briefing from counsel. If the court sustains the motion, the court may grant leave to amend the pleading in the petition upon any terms as may be just and shall fix the time within which the amendment or amended petition shall be filed.

(01/01/99)

**RULE 619 - Restraining Orders**

(Welfare & Institutions Code section 213.5, Code of Civil Procedure section 527, California Rules of Court Rule 1412(n))

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- (A) If the need arises, the court may issue a restraining order during the pendency of the court proceedings. The procedure for issuing an ex-parte restraining order in court shall be consistent with Code of Civil Procedure section 527.
- (B) Upon ex-parte application of CPS, the court may issue an order restraining a parent or guardian from threatening a social worker or any member of the social worker's family. Upon violation of the court's order and upon application of CPS, the court may conduct a contempt proceeding in compliance with the requirements of Code of Civil Procedure section 1209 et seq.

(01/01/99)

**RULE 620 - Warrants**

(Welfare & Institutions Code sections 339, 340)

Upon proof that the parent or guardian has been served with a citation and has disregarded it or that service of a citation upon the parent or guardian would be ineffective, the juvenile court, upon application of CPS or other party, may issue a warrant of arrest for the parent or guardian and a protective custody warrant for any child or children in that parent or guardian's care and custody. In the event that the court orders the warrant to be issued, bail shall normally be set at not less than \$5,000.

(01/01/99)

**RULE 621 - Settlements**

The court recognizes that agreement between the parties with regard to the matters before the court is not only beneficial to the children but also often contributes to the satisfactory reunification of the family. The court encourages settlement discussions including Family Unity Meetings between the parties at any time prior to the hearing. In the event the case is set for Jurisdiction/Disposition hearing, the parties shall meet at least one half hour prior to the Jurisdiction/Disposition hearing to discuss settlement of the case. The court shall be promptly advised of any proposed settlements, admissions or submissions of the entire hearing on reports.

(01/01/99)

**RULE 622 - Standards of Representation**

All counsel appearing in dependency proceedings shall meet the following minimum standards of representation:

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- (A) Counsel shall thoroughly and completely investigate the accuracy of the allegations of the petition, other moving papers, and the court reports filed in support thereof. Counsel's investigation shall include conducting a comprehensive interview with the client to ascertain his or her knowledge of and/or involvement in the matters alleged or reported; contacting social workers and other professionals associated with the case to ascertain if the allegations and/or reports are supported by accurate facts and reliable information; consulting with and, if necessary, subpoenaing witnesses to effectively present the client's position to the court.
- (B) Counsel shall determine the client's interest and the position the client wishes to take in the matter. Except in those cases in which the client's whereabouts is unknown, this shall include a comprehensive interview with the client. If the client is a minor child six years of age or older, the investigation shall include an interview with the minor unless the minor's circumstances are such that an interview would not be in the minor's best interests.

(01/01/99)

**RULE 623 - Duties of Attorney**

All counsel shall comply with their professional duties as required by statute, regulation, and state and local rules of court. All court appointed counsel for parties in juvenile dependency proceedings must meet minimum standards of competence as set forth in these rules. (01/01/99)

**RULE 624 - Minimum Standards of Education and Training - Appointed Counsel**

(Rule 1438(a), California Rules of Court)

Each appointed counsel appearing in a dependency matter before the juvenile court shall have completed the following minimum training and education requirements. Counsel shall have either:

- (A) Participated in at least eight hours of training or education in juvenile dependency law, which training or education shall have included information on the applicable case law and statutes, the rules of court, Judicial Council forms, motions, trial techniques and skills, writs and appeals, child development, child abuse and neglect, family reunification and preservation and reasonable efforts, or

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- (B) At least six months experience in dependency proceedings in which counsel has demonstrated competence in the attorney's representation of his or her clients in said proceedings. In determining whether the attorney has demonstrated competence, the court shall consider whether the attorney's performance has substantially complied with the requirements of these rules.

(01/01/99)

**RULE 625 - Continued Compliance with Minimum Standards**

- (A) In order to continue to be appointed to practice before the juvenile court, each appointed attorney shall submit a declaration every three years to the court, certifying that he or she has completed at least eight hours of continuing education directly related to dependency proceedings in the preceding calendar year.
- (B) The attorney's continuing training or education shall be in the areas set forth in Rule 624, or in other areas related to juvenile dependency practice including, but not limited to special education, mental health, health care, immigration issues, the rules of evidence, adoption practice and parentage issues, the Uniform Child Custody Jurisdiction Act, the Parental Kidnapping Prevention Act, state and federal public assistance programs, the Indian Child Welfare Act, client interviewing and counseling techniques, case investigation and settlement negotiations, basic motion practice and rules of civil procedure. (01/01/99)

**RULE 626 - Procedures for Reviewing and Resolving Complaints**

- (A) Any party to a juvenile court proceeding may lodge a written complaint with the court concerning the performance of his or her appointed counsel in a juvenile court proceeding. In the case of a complaint concerning the performance of counsel appointed to represent a minor, the complaint may be lodged on the child's behalf by the social worker, a caretaker relative or a foster parent. Any complaints shall be lodged separately in the juvenile court file in a sealed envelope.
- (B) Counsel shall be provided with a copy of the complaint. The court shall review any complaint within ten days of receipt and may determine based upon that complaint that a prima facie case does not exist to believe that counsel has failed to act competently or has violated these rules. In that event, no further action is required by the court, however, the court shall notify the party and counsel in writing of its decision. This shall constitute a final decision on the matter.



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- (C) If the court determines that the complaint presents a prima facie case that the attorney may have failed to act competently or has violated local rules, the court may request an informal response from counsel or may conduct a hearing in order to make a determination on the issue. If ordered, a hearing shall be held as soon as practicable. The complainant and counsel shall each be given at least five days notice of the hearing. The hearing shall not be open to the public or other parties to the juvenile court proceeding. The presiding judge of the juvenile court may designate a commissioner, referee or judge pro tempore, or any qualified member of the Bar to act as hearing officer. The hearing officer may conduct the hearing with that degree of formality he or she deems appropriate.
- (D) Any complaints, written responses to the complaints, or written notification of the court's determination rendered pursuant to this Rule shall be subject to the confidentiality requirements established under Welfare & Institutions Code section 827 and the juvenile court "Standing Minute Order Re: Juvenile Court Confidentiality Policy" promulgated on November 13, 1995, or subsequent amendments thereto. (01/01/99)

**RULE 627 - Procedures for Informing the Court of Other Forum Interests of a Dependent Child**

At any time during the dependency proceedings, counsel for the minor or any interested person may notify the court that the minor may have an interest or right which needs to be protected or pursued in another judicial or administrative forum as soon as it is reasonably possible for counsel to do so.

Notice to the court may be given orally or by the filing of a declaration. The person giving notice shall set forth the nature of the interest or right which needs to be protected or pursued, the name and address, if known, of the administrative agency or judicial forum in which the right or interest may be affected and the nature of the proceedings being contemplated or conducted there.

The court may set a hearing on the notice if the court deems it necessary in order to determine the nature of the child's right or interest or whether said interest should be protected or pursued.

(01/01/99)

**RULE 628 - Release of Information Relating to Juvenile**

(Welfare & Institutions Code section 827, California Rules of Court Rule 1423)

Juvenile court records are confidential by statute and case law. Disclosure and use of such records shall be governed by the juvenile court's Standing Order on

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Confidentiality, a copy of which is available from the court clerk.  
(01/01/99)

**RULE 629 - Requests for Transcripts**

Any party wanting the court to pay for a reporter's transcript shall apply in writing to the judicial officer who heard the matter in question or to the presiding judge of the juvenile court. Alternatively, a party may orally request at a court hearing that the court order a transcript be prepared at court expense. In order to obtain transcripts at court expense, a party must demonstrate a legal necessity for the transcript and that he or she is receiving financial assistance under SSI and SSP, TANF, the Food Stamp Program, General Assistance, or meets the gross monthly income criteria as set out in Judicial Council Form 982(a)(A), entitled "INFORMATION SHEET ON WAIVER OF COURT FEES AND COSTS".

(01/01/99)

**(RULES 630 - 699 Reserved)**